

CHAPTER 230

H.P. 1011 - L.D. 1348

An Act to Ensure the Financial Stability and Effectiveness of Certain Pollution Abatement Programs Administered by the Department of Environmental Protection

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §353-B, sub-§2, as enacted by PL 1997, c. 794, Pt. B, §7, is amended to read:

2. Maximum fee amounts and rates. Waste discharge license fees are as set out in this section.

A. The base and maximum fees that may be assessed to categories of discharge activities are as follows.

Discharge Group	Base fee	Maximum fee not to exceed	for in group
individual			
Publicly owned treatment facilities, greater than 6,000 gallons per day but less than 5 million gallons per day and no significant industrial waste	annual fee	\$175	none

<u>Publicly owned treatment facilities, 6,000 gallons per day or less</u>	<u>annual fee</u>	<u>\$60</u>	<u>\$180</u>
Publicly owned treatment facilities, greater than 5 million gallons per day or with significant industrial waste	annual fee	\$770	none
Major industrial facility, process wastewater (based on EPA list of major source discharges)	annual fee	\$1,850	none
Other industrial facility, process wastewater	annual fee	\$630	none
Food handling or packaging waste-water	annual fee	\$315	\$2,100
Fish rearing facility	annual fee	\$230	\$1,400
Noncontact cooling water	annual fee	\$90	\$7,000
Industrial or commercial sources, miscellaneous or incidental non-process wastewater	annual fee	\$115	\$2,100
Municipal combined sewer overflow	annual fee	\$115	\$1,400
Sanitary wastewater, commercial sources excluding overboard discharge	annual fee	\$60	\$1,200
Sanitary wastewater, residential sources 600 gallons per day and less	annual fee	\$45	---
Sanitary wastewater, residential sources more than 600 gallons per day	annual fee	\$60	\$600

Sanitary wastewater, public sources less than 6,000 gallons per day	annual fee	\$60	\$180
<u>Sanitary overboard discharge, commercial sources</u>	<u>annual fee</u>	<u>\$85</u>	<u>\$1,200</u>
<u>Sanitary overboard discharge, residential sources 600 gallons per day and less</u>	<u>annual fee</u>	<u>\$50</u>	<u>---</u>
<u>Sanitary overboard discharge, residential sources more than 600 gallons per day</u>	<u>annual fee</u>	<u>\$60</u>	<u>\$600</u>
<u>Sanitary overboard discharge, public sources</u>	<u>annual fee</u>	<u>\$75</u>	<u>\$500</u>
Aquatic pesticide application	annual fee*	\$200	---
Snow dumps	annual fee*	\$125	---
Salt and sand storage pile	annual fee*	\$150	---
Log storage permit	annual fee*	\$200	---
General permit coverage for storm water discharges	annual fee*	\$100	---
Experimental discharge license	license fee*	\$500	---
Mixing zone, in addition to other applicable fees	flat fee* \$4,000	---	
Formation of sanitary district	flat fee*	\$300	---
Transfer of license for residential or commercial sanitary wastewater	flat fee* \$100	---	

*Discharge or license quantity fees do not apply to these categories.

When a license authorizes multiple discharge points in different categories in the same license, the total maximum fee for the license may not exceed the maximum fee for the most significant category plus 1/2 of the maximum fee for each of the other applicable categories.

B. The annual rate per unit for various pollutants and groups of discharges used in computing discharge and license quantity fees may not exceed the limits set out in this paragraph. When a license authorizes the discharge of pollutants fitting more than one category, the appropriate fee is due for each group and type of pollutant.

License group or type of pollutant	Rate
Conventional pollutants, license rate	\$1.25 per pound
Conventional pollutants, discharge rate	\$2.40 per pound
Conventional pollutants, primary treatment only	\$0.55 per pound
Conventional pollutants, food handling or packing facilities	\$0.05 per pound
Nonconventional or toxic pollutants	Variable*
Heat (as licensed flow x temperature x 8.34)	\$0.045 per million BTU
Flow: fish rearing facilities	\$45 per million gallons
Flow: combined sewer overflows (based on treatment facility design)	\$55 per million gallons
Flow: nonprocess from industrial or commercial sources	\$175 per million gallons
Flow: publicly owned treatment facilities, <u>greater than 6,000</u> <u>gallons per day</u>	\$630 per million gallons
Flow: process from industrial or commercial sources	\$630 per million gallons
Flow: treated storm water	\$17.50 per million gallons
Flow: sanitary, from	\$0.02 per gallon

commercial sources
excluding overboard
discharge

Flow: ~~sanitary from~~ _____ \$0.02 per gallon
~~residential sources~~

Flow: ~~sanitary~~ from _____ \$0.02 per gallon
publicly owned facilities,
~~less than~~ 6,000 gallons
per day ~~or less~~

Flow: sanitary from _____ \$0.05 per gallon
overboard discharge

*The license rate per pound is \$10.50 divided by the licensed effluent concentration in milligrams per liter. The discharge rate per pound is \$21 divided by the licensed effluent concentration in milligrams per liter.

For the purposes of this section, the term "conventional pollutant" means oxygen-demanding compounds, suspended or dissolved solids, oil and grease. The term "nonconventional pollutants" means other chemical constituents subject to fees. Excluded from fees are the following: pH, residual chlorine, settleable solids, bacteria, whole effluent toxicity tests, color, any compound without numeric license limitations and effluent concentrations reported as being below acceptable detection limits.

Annual discharge or license quantity fees may be calculated using either pounds of pollutants or allowable flow, as is most appropriate for the circumstances of a particular discharge category, situation or location. License limits may be supplemented by applications and related supporting materials when necessary to calculate effluent quantities or concentrations.